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Docket No.: 243014US3

OBLON
SPIVAK
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MAIER
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ATTORNEYS AT LAW

C. IRVIN McCLELLAND
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RE: Application Serial No.: 10/667,301

Applicants: Kiyonori TSUDA, et al.

Filing Date: September 23, 2003

For: IMAGE FORMING APPARATUS USING A TONER
CONTAINER AND A PROCESS CARTRIDGE

Group Art Unit:

Examiner:

SIR:

Attached hereto for filing are the following papers:

**PETITION UNDER 37 CFR 1.137 (a) REQUESTING THE WITHDRAWAL OF HOLDING OF
ABANDONMENT DUE TO UNAVOIDABLE DELAY
COPY OF NOTICE OF ABANDONMENT LETTER**

**COPY OF PTO MAIL LOG REPORT FROM DECEMBER 15, 2003 THROUGH JANUARY 5,
2004**

**NOTICE TO FILE MISSING PARTS
FILING OF DECLARATION/DECLARATION**

Our credit card payment form in the amount of **\$130.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

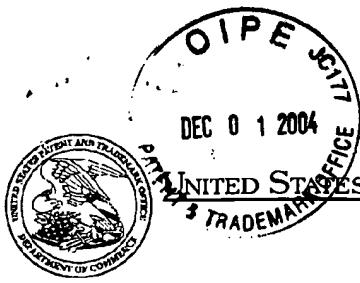
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22850

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DEC 01 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FLING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/667,301	09/23/2003	Kiyonori Tsuda	243014US3

CONFIRMATION NO. 9277

ABANDONMENT/TERMINATION
LETTER

OC000000014339811

22850
 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
 1940 DUKE STREET
 ALEXANDRIA, VA 22314

Date Mailed: 11/12/2004

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 12/16/2003.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

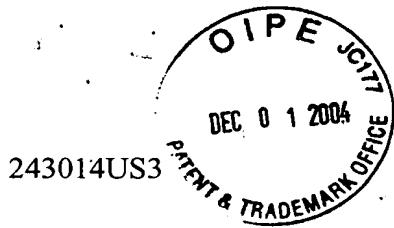
copy of this notice MUST be returned with the reply.

initials

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Kiyonori TSUDA, et al.

SERIAL NO: 10/667,301

FILED: September 23, 2003

TITLE: IMAGE FORMING APPARATUS USING A TONER CONTAINER AND A
PROCESS CARTRIDGE

**PETITION UNDER 37 CFR 1.137(a) REQUESTING THE WITHDRAWAL OF
HOLDING OF ABANDONMENT DUE TO UNAVOIDABLE DELAY**

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request that the holding of abandonment for the above-identified Application be withdrawn due to the fact that the Notice to File Missing Parts mailed by the Patent and Trademark Office on December 15, 2003 was not received by Applicants' Attorneys. The facts concerning this matter are as follows.

Upon receipt of mail from the Patent and Trademark Office in this firm, all mail is opened and logged in a daily computer log. The due date is entered in the firm computer docketing system. At the time of entry into the computer, the serial numbers are checked to ensure that the correct docket number appears on the mail so that the documents are entered in the correct application in the computer and matched with the correct application file. Any due dates resulting from the Patent and Trademark Office mail are also entered in the computer.

After receipt of the Notice of Abandonment, our computer system was checked. The computer Patent Due Dates section for the subject application did not show a current due date for

12/02/2004 HDMESS1 00000036 10667301

01 FC:1464

130.00 DP

Application No.: 10/667,301

Inventor: Kiyonori TSUDA

Petition to Withdrawal the Holding of Abandonment

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the Filing of the Declaration, nor did it show receipt of the Notice to File Missing Parts (see attached computer printout).

The application file was then pulled and the full contents of the file were reviewed. The application file contained no Notice to file Missing Parts dated December 15, 2003. The computerized PTO Mail Log Report was then checked. All mail received from the Patent and Trademark Office is logged in the mail log by serial number or patent number, along with a description of the mail received, on a daily basis. Mail from the US Patent and Trademark Office is generally received by our firm within two or three days of mailing. However, to ensure a complete check, the daily log was checked from December 15, 2003 through January 5, 2004 and found to contain no record of having received the Notice for the above-identified application.

It is believed that the above discussion and documents enclosed herewith clearly prove the nonreceipt of the Notice to File Missing Parts dated December 15, 2003 and therefore, the holding of abandonment was issued in error.

The petition fee under 37 C.F.R. 1.117 (i) is enclosed herewith. Applicants believe that no fee is due. If the fee is not due, please credit the petition fee to our Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

Application No.: 10/667,301
Inventor: Kiyonori TSUDA
Petition to Withdrawal the Holding of Abandonment
Page 3

Accordingly, it is requested that the holding of abandonment be withdrawn and that prosecution be allowed to continue in the present application.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



C. Irvin McClelland
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Attorney of Record
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Registration No. 26,803

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PTO Mail Log Report

From 12/15/2003 to 01/05/2004

Mail Type	CDEIR	Application#	Patent#/Reg#	CaseId	Base Date	Date Recd
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PTO Mail Log Report

From 12/15/2003 to 01/05/2004

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PTO Mail Log Report

From 12/15/2003 to 01/05/2004

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PTO Mail Log Report

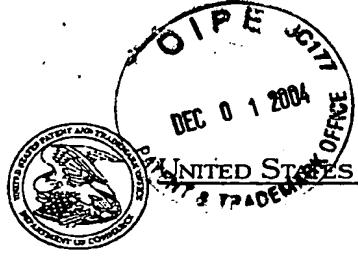
From 12/15/2003 to 01/05/2004

Mail Type	C.D.F.R.	Application #	Patent#/Reg#	CaseId	Base Date	Date Rec'd
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PTO Mail Log Report

From 12/15/2003 to 01/05/2004

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NFMP		10/679,462		243593US	01-02-2004	01-05-2004



UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/667,301	09/23/2003	Kiyonori Tsuda	243014US3

22580
 DR. VINCENT CUERVO
 1545 MILLER ROAD
 CORAL GABLES, FL 331462309

CONFIRMATION NO. 9277
 FORMALITIES LETTER

 OC000000011496469

Date Mailed: 12/15/2003

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

B. Habermann
 Customer Service Center
 Initial Patent Examination Division (703) 308-1202
 PART 3 - OFFICE COPY